

Jason A. Imes, Esq., NV Bar No. 7030
Schwartz & McPherson Law Firm
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Las Vegas NV 89146-5308
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Facsimile: (702) 892-0122
E-Mail: bkfilings@s-mlaw.com
Counsel for Lenard E. Schwartz, Trustee

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re: Case No. BK-S-20-10250-MKN
DOMI PUBLICATIONS, LLC, Chapter 7

Debtor(s).

**DECLARATION OF LENARD E.
SCHWARTZ SUPPORTING MOTION
TO COMPEL ATTORNEY CLYDE
DEWITT, ESQ., AND THE LAW OFFICES
OF CLYDE DEWITT, APC, TO TURN
OVER DEBTOR'S LEGAL RECORDS
(11 USC § 542)**

I, LENARD E. SCHWARTZ, do declare the following under penalty of perjury:

1. I am over the age of eighteen and I am competent to make this Declaration. I have personal knowledge of the facts in this matter, except where stated upon information and belief.

2. I am the duly appointed Chapter 7 Trustee for the bankruptcy estate of DOMI PUBLICATIONS, LLC, and I make this Declaration in support of my *Motion to Compel Attorney Clyde DeWitt, Esq., and the Law Office Clyde DeWitt, APC, to Turn Over Debtor's Legal Records* [11 U.S.C. § 542] (the "Turnover Motion") filed concurrently with this Declaration.

3. I am requesting entry of an order compelling attorney CLYDE DEWITT, ESQ., and the LAW OFFICES OF CLYDE DEWITT, A NEVADA PROFESSIONAL CORPORATION D/B/A LAW OFFICES OF CLYDE DEWITT, APC, to turn over Debtor Domi Publications, LLC's legal records pursuant to 11 U.S.C. § 542. I have requested turnover of the records, but counsel has indicated the files will not be turned over absent an order of this Court.

4. DOMI PUBLICATIONS, LLC (the "Debtor") filed a voluntary petition under Chapter 7 of the Bankruptcy Code on January 16, 2020 (the "Petition Date"), and I am the

1 duly appointed and acting Chapter 7 Trustee in the Debtor's case.

2 5. I have determined the assets of this estate include a series of claims (referred to
3 collectively as the "Claims") that will need to be investigated, developed, and pursued, including
4 but not limited fraudulent transfer claims, alter ego claims, and potential legal malpractice claims,
5 and indemnification or contribution claims against various parties.

6 6. I have reviewed court records and Debtor's records which indicate that prior to the
7 commencement of the bankruptcy case the Debtor was represented in certain state court litigation
8 by Clyde DeWitt, Esq. ("DeWitt") of the Law Offices of Clyde DeWitt, a Nevada Professional
9 Corporation d/b/a Law Offices of Clyde DeWitt, APC (the "DeWitt Firm").

10 7. I have reviewed documents indicating that DeWitt and/or the DeWitt Firm acted as
11 Debtor's counsel prior to the Petition Date including court transcripts (*see* attached **Exhibit "1"**),
12 Secretary of State records (*see* attached **Exhibit "2"**), the Debtor's schedules (*see* attached
13 **Exhibit "3"**), and trademark applications (*see* attached **Exhibit "4"**).

14 8. My counsel sent a letter to the Andersen Law Firm, Ltd. (counsel for DeWitt and
15 the DeWitt Firm in this matter) on or about June 2, 2021 formally requesting that DeWitt and the
16 DeWitt Firm provide me with copies of the Debtor's legal records. *See* attached **Exhibit "5."**

17 9. I have been advised by DeWitt's counsel that DeWitt and/or the DeWitt Firm
18 would turn over the Debtor's legal records, to the extent they have any, upon entry of an order
19 from this Court. DeWitt, however, requested that the turnover motion be served on certain
20 additional parties that are not included on the mailing matrix for this bankruptcy estate.

21 10. DeWitt also raised concerns about potential competing claims to the records
22 asserted by Douglas Wiederhold, but Mr. Wiederhold has consented to release of any and all
23 records related to Debtor to me and my counsel. *See* Wiederhold release confirmation attached as
24 **Exhibit "6."**

25 11. I have determined that the Debtor's legal records are necessary for my investigation
26 and pursuit of the Claims, and at this stage it is clear DeWitt and/or the DeWitt Firm will not turn
27 over the Debtor's legal records absent an order of this Court.
28

13. I am requesting an order for turnover of all recorded information of and relating to representation of Debtor Domi Publications, LLC, no later than 14 calendar days after entry of said order, appropriately organized and indexed, including (1) books, documents, records and papers in any format or media, (2) copies of any internal communications and communications with third parties, including any letters, e-mails, and messages, and any related notes on such communications, (3) any bills or statements describing the legal work performed for the Debtor, (4) any payments received for the services performed for the Debtor, and (5) a ledger of charges and receipts related to the Debtor.

/s/ Lenard E. Schwartzer
Lenard E. Schwartzer

EXHIBIT 1

1 need at least 10 days' notice for somebody to appear.
2 But, anyway, if it's okay, can Mr. Dewitt -- he is a
3 California attorney -- address the Court?

4 THE COURT: Yes.

5 MR. DEWITT: Your Honor, about an hour ago I
6 was handed two subpoenas, one to appear here at 9:30,
7 which was ten minutes before the subpoena was handed to
8 me, and the other one is to appear 11-19 -- I think it's
9 the hearing to -- on the OSC re preliminary injunction
10 before Judge Wohlfeil.

11 Obviously, I haven't had a chance to confer
12 with my client about this, but what I would propose is
13 since this trial seems to be -- seems to have a ways to
14 go in it, I would like an opportunity to move to quash
15 the subpoenas. The grounds that occur to me right now
16 are, effectively, I'm in-house counsel for DOMI now that
17 Doug Wiederhold owns a hundred percent of it. And my
18 recollection of California law is that a special showing
19 is required to obtain testimony of counsel.

20 Secondly, I live in Las Vegas. I don't have a
21 residence in California anymore and haven't for six
22 years. There may be other grounds that Mr. Rikos might
23 want to raise, but if nothing else, I need an
24 opportunity to speak with my client. He may be willing
25 to agree to something, but for now, since this doesn't
26 seem to be an emergency, I would like the opportunity
27 to -- a reasonable amount of time to move to quash the
28 subpoenas.

EXHIBIT 2

ENTITY INFORMATION**ENTITY INFORMATION****Entity Name:**

DOMI PUBLICATIONS LLC

Entity Number:

E0096062015-1

Entity Type:

Domestic Limited-Liability Company (86)

Entity Status:

Revoked

Formation Date:

02/20/2015

NV Business ID:

NV20151121247

Termination Date:

Perpetual

Annual Report Due Date:

2/29/2020

Series LLC:☐**Restricted LLC:**☐**REGISTERED AGENT INFORMATION****Name of Individual or Legal Entity:**

CLYDE DEWITT

Status:

Active

CRA Agent Entity Type:**Registered Agent Type:**

Commercial Registered Agent

NV Business ID:

NV20131518206

Office or Position:**Jurisdiction:****Street Address:**

2300 WEST SAHARA AVE, SUIT 800, Las Vegas, NV, 89102 - 5719, USA

Mailing Address:**Individual with Authority to Act:**

CLYDE DEWITT

Fictitious Website or Domain Name:**OFFICER INFORMATION**☐ **VIEW HISTORICAL DATA**

Title	Name	Address	Last Updated	Status
Manager	DOUGLAS WIEDERHOLD	10620 SOUTHERN HIGHLANDS PARKWAY SUITE 110-334, LAS VEGAS, NV, 89141, USA	02/25/2019	Active

Page 1 of 1, records 1 to 1 of 1

[Filing History](#)[Name History](#)[Mergers/Conversions](#)[Return to Search](#)[Return to Results](#)

EXHIBIT 3

Fill in this information to identify the case:Debtor name DOMI PUBLICATIONS, LLCUnited States Bankruptcy Court for the: DISTRICT OF NEVADACase number (if known) 20-10250-btb☐ Check if this is an amended filing**Official Form 202****Declaration Under Penalty of Perjury for Non-Individual Debtors**

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☒ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☒ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☒ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☒ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☒ *Schedule H: Codebtors* (Official Form 206H)
- ☒ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ *Amended Schedule*
- ☐ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 5, 2020

X

Signature of individual signing on behalf of debtor

Douglas J. Wiederhold

Printed name

Member-Manager

Position or relationship to debtor

Debtor	DOMI PUBLICATIONS, LLC Name	Case number (if known)	20-10250-btb
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3.24	Nonpriority creditor's name and mailing address Law Office of Clyde DeWitt c/o Clyde DeWitt, Esq. PO Box 26185 Las Vegas, NV 89126 Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>Attorney's fees and costs</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$23,940.00
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3.25	Nonpriority creditor's name and mailing address Law Office of George Rikos c/o George Rikos, Esq. 225 Broadway Ste 2100 San Diego, CA 92101 Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>Attorney's fees and costs</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$117,832.33
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3.26	Nonpriority creditor's name and mailing address Ryan Somavia c/o Nevada DETR 500 E. Third St. Carson City, NV 89713-0035 Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>Unemployment claim</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	Unknown
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3.27	Nonpriority creditor's name and mailing address Tamela Seehase c/o Nevada DETR 500 E. Third St. Carson City, NV 89713-0035 Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>Unemployment claim</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	Unknown
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3.28	Nonpriority creditor's name and mailing address Walters Law Group Attn: Lawrence G. Walters, Esq. 195 W. Pine Avenue Longwood, FL 32750-4104 Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>Attorney's fees and costs</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$10,420.39
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Part 3: List Others to Be Notified About Unsecured Claims

4. List in alphabetical order any others who must be notified for claims listed in Parts 1 and 2. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for unsecured creditors.

If no others need to be notified for the debts listed in Parts 1 and 2, do not fill out or submit this page. If additional pages are needed, copy the next page.

	Name and mailing address	On which line in Part 1 or Part 2 is the related creditor (if any) listed?	Last 4 digits of account number, if any
4.1	Jane Doe No. 1 c/o Holm Law Group, PC Brian N. Holm, Esq. 12636 High Bluff Drive, Ste. 400 San Diego, CA 92130	Line <u>3.1</u> <input type="checkbox"/> Not listed. Explain ____	—
4.2	Jane Doe No. 1 c/o Robert Hamparayan, APC Attn: Robert Hamparayan, Esq. 275 Market Street San Diego, CA 92101	Line <u>3.1</u> <input type="checkbox"/> Not listed. Explain ____	—

Debtor **DOMI PUBLICATIONS, LLC**Case number (if known) **20-10250-btb**

Creditor's Name and Address	Dates	Total amount of value	Reasons for payment or transfer <i>Check all that apply</i>
3.1. American Express Attn: Bankruptcy Dept. / Managing Agent PO Box 0001 Los Angeles, CA 90096-8000	See attached schedule	\$131,568.81	<input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input checked="" type="checkbox"/> Suppliers or vendors <input checked="" type="checkbox"/> Services <input type="checkbox"/> Other___
3.2. George Rikos Law Attn: George Rikos, Esq. 225 Broadway, Ste 2100 San Diego, CA 92101-5014	See attached schedule	\$70,334.79	<input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input type="checkbox"/> Suppliers or vendors <input checked="" type="checkbox"/> Services <input type="checkbox"/> Other___
3.3. Internal Revenue Service Attn: Bankruptcy Dept/Managing Agent P.O. Box 7346 Philadelphia, PA 19101	12/19/19	\$21,000.00	<input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input type="checkbox"/> Suppliers or vendors <input type="checkbox"/> Services <input checked="" type="checkbox"/> Other Taxes
3.4. Duane Morris LLP Attn: Michael L. Lipman 750 B. Street, Suite 2900 San Diego, CA 92101-4681	11/12/19	\$7,500.00	<input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input type="checkbox"/> Suppliers or vendors <input checked="" type="checkbox"/> Services <input type="checkbox"/> Other___
3.5. CC Bill, LLC Attn: Managing Agent/Bankruptcy Dep't 2353 W. University Ave. Tempe, AZ 85281	11/13/19 (Reversal)	\$26,069.24	<input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input type="checkbox"/> Suppliers or vendors <input checked="" type="checkbox"/> Services <input type="checkbox"/> Other___
3.6. Free Spirit Partners, LLC Attn: Doug Wiederhold, Managing Member 10620 So. Highlannds Pkwy., #110-334 Las Vegas, NV 89141	11/18/19 for \$2,000.00; 12/17/19 for \$5,500.00	\$7,500.00	<input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input checked="" type="checkbox"/> Suppliers or vendors <input checked="" type="checkbox"/> Services <input type="checkbox"/> Other___
3.7. Black & Cherry Real Estate Group 2421 W. Horizon Ridge Parkway, Suite 110 Henderson, NV 89052	11/4/19 for \$5,795.00; 12/2/19 for \$5,795.00; and 1/2/20 for \$5,795.00	\$17,385.00	<input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input type="checkbox"/> Suppliers or vendors <input type="checkbox"/> Services <input checked="" type="checkbox"/> Other Rent
3.8. Law Offices of Clyde DeWitt, PC Attn: Clyde DeWitt, Esq. P.O. Box 26185 Las Vegas, NV 89126-0185	12/2/19	\$7,081.69	<input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input type="checkbox"/> Suppliers or vendors <input checked="" type="checkbox"/> Services <input type="checkbox"/> Other___

EXHIBIT 4

Generated on: This page was generated by TSDR on 2018-06-10 15:53:04 EDT

Mark: MOMPOV.COM

MOMPOV.COM

US Serial Number: 86215348

Application Filing Date: Mar. 08, 2014

US Registration Number: 4577877

Registration Date: Jul. 29, 2014

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Supplemental

Mark Type: Service Mark

Amended to Principal Register: No

Date Amended to Current Register: Jun. 17, 2014

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jul. 29, 2014

Mark Information

Mark Literal Elements: MOMPOV.COM

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Entertainment, namely, production of adult themed videos; entertainment services, namely, providing adult-oriented entertainment via the internet featuring adult-oriented stories, photographs, videos and streaming videos and information about adult-oriented entertainment and web sites; on-line journals, namely, blogs featuring adult-oriented entertainment, news, information and stories; providing information on adult-themed web sites and modeling for entertainment purposes via an on-line website; providing searchable databases featuring information on adult-themed web sites and modeling for entertainment purposes via a global computer network

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: 2011

Use in Commerce: 2011

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: DOMI PUBLICATIONS LLC**Owner Address:** 3064 SILVER SAGE DR STE 150
LAS VEGAS, NEVADA 89701
UNITED STATES**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country** NEVADA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Clyde DeWitt, Esq.**Attorney Primary** clydedewitt@earthlink.net
Email Address:**Attorney Email** Yes
Authorized:

Correspondent

Correspondent Clyde DeWitt, Esq.
Name/Address: DOMI PUBLICATIONS LLC
Post Office Box 26185
Las Vegas, NEVADA 89126-0185
UNITED STATES**Phone:** (702) 386-1756**Fax:** (702) 441-0308**Correspondent e-mail:** clydedewitt@earthlink.net**Correspondent e-mail** Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 28, 2018	REVIEW OF CORRESPONDENCE COMPLETE - POWER OF ATTORNEY ENTERED	48494
Feb. 27, 2018	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Feb. 14, 2018	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 23, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Sep. 23, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Sep. 23, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Sep. 23, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 29, 2014	REGISTERED-SUPPLEMENTAL REGISTER	
Jun. 26, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Jun. 17, 2014	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
Jun. 17, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 17, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 17, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 17, 2014	EXAMINERS AMENDMENT -WRITTEN	76638
Jun. 17, 2014	DATA MODIFICATION COMPLETED	70468
Jun. 16, 2014	ASSIGNED TO LIE	70468
May 30, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 29, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 29, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 29, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 03, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 03, 2014	NON-FINAL ACTION E-MAILED	6325
Apr. 03, 2014	NON-FINAL ACTION WRITTEN	76638
Mar. 28, 2014	ASSIGNED TO EXAMINER	76638
Mar. 22, 2014	NOTICE OF PSEUDO MARK E-MAILED	
Mar. 21, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 12, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 29, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: BLL MEDIA HOLDINGS, LLC

Assignment 1 of 1

Conveyance: NUNC PRO TUNC ASSIGNMENT EFFECTIVE 07/29/2014

Reel/Frame: 6263/0501

Pages: 3

Date Recorded: Jan. 27, 2018

Supporting Documents: assignment-tm-6263-0501.pdf

Assignor

Name: BLL MEDIA HOLDINGS, LLC

Execution Date: Jan. 08, 2018

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country: NEVADA
Where Organized:

Assignee

Name: DOMI PUBLICATIONS LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country: NEVADA
Where Organized:Address: 3064 SILVER SAGE DR STE 150
LAS VEGAS, NEVADA 89701

Correspondent

Correspondent Name: CLYDE DEWITT

Correspondent Address: PO BOX 26185
LAS VEGAS, NV 89126

Domestic Representative - Not Found

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form No Form Number (Rev 01/2012)

OMB No. 0651-0056 (Exp 11/30/2020)

Replacement of Attorney of Record with Another Already-Appointed Attorney

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86215348
REGISTRATION NUMBER	4577877
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/86215348/large
LITERAL ELEMENT	MOMPOV.COM
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
FORM TEXT	
Owner of the Mark wishes to change attorney of record.	
ATTACHMENT(S)	
ORIGINAL PDF FILE	<u>Executed Letter re Change of Attorney 201812753320796.pdf</u>
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT17\IMAGEOUT17\862\153\86215348\xml1\WAF0002.jpg
SIGNATURE SECTION	
SUBMISSION SIGNATURE	/ClydeDeWitt/
SIGNATORY'S NAME	Clyde DeWitt
SIGNATORY'S POSITION	Attorney of Record Nevada Bar member
SIGNATORY'S PHONE NUMBER	(702) 386-1756
DATE SIGNED	02/27/2018
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Feb 27 17:37:21 EST 2018
TEAS STAMP	USPTO/WAF-XX.XXX.XX.XXX-2 0180227173721596668-45778 77-20180227173230502586-N /A-N/A-201802271732305025 86

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form No Form Number (Rev 01/2012)

OMB No. 0651-0056 (Exp 11/30/2020)

CONFIDENTIAL

DOMI000004

5001.4

**Replacement of Attorney of Record with Another Already-Appointed Attorney
To the Commissioner for Trademarks:**

The following is submitted for registration number. **4577877**

FORM INFORMATION

Owner of the Mark wishes to change attorney of record.

FORM FILE NAME(S)

Original PDF file:

Executed Letter re Change of Attorney 201812753320796.pdf

Converted PDF file(s) (1 page)

Attachments-1

SIGNATURE(S)

Submission Signature

Signature: /ClydeDeWitt/ Date: 02/27/2018

Signatory's Name: Clyde DeWitt

Signatory's Position: Attorney of Record Nevada Bar member

Signatory's Phone Number: (702) 386-1756

Serial Number: 86215348

Internet Transmission Date: Tue Feb 27 17:37:21 EST 2018

TEAS Stamp: USPTO/WAF-XX.XXX.XX.XXX-2018022717372159

6668-4577877-20180227173230502586-N/A-N/

A-20180227173230502586

DOMI PUBLICATIONS LLC

A Nevada Limited Liability Company

3064 Silver Sage Drive Suite 150
Las Vegas, NV 89701

Monday, February 26, 2018

Re: Representation in Connection with the Trademark Registration MomPOV.com®

To Whom it May Concern:

In connection with the registration of MomPOV.com® (Registration Number 4577877), please be advised that our sole Attorney of Record should be:

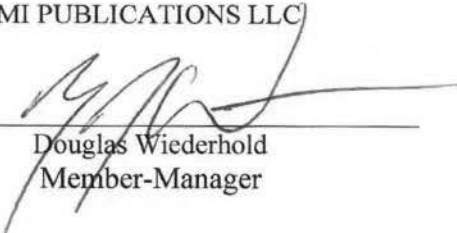
Clyde DeWitt, Esq.
Law Offices of Clyde DeWitt
A Nevada Professional Corporation
Post Office Box 26185
Las Vegas, NV 89126-0185
(702) 386-1756; fax (702) 441-0308
clydedewitt@earthlink.net

Mr. DeWitt is to replace the currently listed Attorney of Record, Richard L. Morris, Jr., Esq.

Sincerely,

DOMI PUBLICATIONS LLC

By



Douglas Wiederhold
Member-Manager

c: Richard L. Morris, Jr., Esq.

Via Email Only to: richard@4trademark.com

900437084 01/27/2018

Page 1 of 1

900437084 01/27/2018

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM459704

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	NUNC PRO TUNC ASSIGNMENT		
EFFECTIVE DATE:	07/29/2014		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
BLL MEDIA HOLDINGS, LLC		01/08/2018	Limited Liability Company: NEVADA
RECEIVING PARTY DATA			
Name:	DOMI PUBLICATIONS LLC		
Street Address:	3064 SILVER SAGE DR STE 150		
City:	LAS VEGAS		
State/Country:	NEVADA		
Postal Code:	89701		
Entity Type:	Limited Liability Company: NEVADA		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	4577877	MOMPOV.COM	
CORRESPONDENCE DATA			
Fax Number:	7024410308		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
Phone:	(702) 386-1756		
Email:	clydedewitt@earthlink.net		
Correspondent Name:	Clyde DeWitt		
Address Line 1:	PO Box 26185		
Address Line 4:	Las Vegas, NEVADA 89126		
NAME OF SUBMITTER:	Clyde DeWitt		
SIGNATURE:	/s/ Clyde DeWitt		
DATE SIGNED:	01/27/2018		
Total Attachments: 2			
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source=Mom POV Trademark Transfer - Executed#page2.tif			

OP. \$40.00 4577877

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CONFIDENTIAL

TRADEMARK
REEL: 006263 FRAME: 0501
DOMI000057

5001.57

MEMORIALIZATION OF EVENTS REQUIRING TRANSFER OF TRADEMARK REGISTRATION

Beginning in 2011, and therefore prior to March of 2014, a general partnership existed between Douglas Wiederhold and Michael Pratt, which general partnership operated the Web site MomPOV.com. On February 20, 2015, that partnership created Domi Publications LLC, a Nevada limited liability company, in which Douglas Wiederhold and Michael Pratt each was a Manager and Member. Thereafter, the aforesaid partnership was merged into the newly formed limited liability company, Domi Publications LLC, which continued to operate the Web site MomPOV.com, changing the ongoing business from a general partnership to a limited liability company. Therefore, MomPOV.com has been continuously operated since 2011, first by the general partnership between Douglas Wiederhold and Michael Pratt and then by Domi Publications LLC.

In early 2014, counsel was retained to prosecute a federal trademark registration for MomPOV.com. BLL Media Holdings, LLC is a Nevada limited liability company, wholly owned by Michael Pratt. The registration was intended to be in favor of the aforesaid partnership between Douglas Wiederhold and Michael Pratt. However, then unbeknownst to Douglas Wiederhold or Michael Pratt, the registration was in BLL Media Holdings, LLC, a limited liability company that had no interest in the mark. Earlier in 2017, the managers of Domi Publications LLC discovered that error for the first time.

Because the true owner of the mark is not and has never been in BLL Media Holdings, LLC; and because the true owner of the mark is Domi Publications LLC; the registration of the mark should be transferred to Domi Publications LLC.

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Accordingly, to correct the above-described error, BLL Media Holdings, by its member-manager Michael Pratt, along with Domi Publications LLC, by its member-managers Michael Pratt and Douglas Wiederhold, along with Michael Pratt, individually and Douglas Wiederhold, individually, all request that the registration for MomPOV.com be transferred nunc pro tunc to the proper party and true owner of the mark, Domi Publications LLC, effective on the date of the approval of the registration, July 29, 2014 and instruct attorney Clyde DeWitt, who is a member in good standing of the Bar in both California and Nevada, to effect that transfer.

BLL MEDIA HOLDINGS, LLC

By: 

Michael Pratt, Member-Manager


DOMI PUBLICATIONS LLC


By: 

Michael Pratt, Member-Manager

By: 

Douglas Wiederhold,
Member-Manager


Michael Pratt, Individually


Douglas Wiederhold, Individually

Page 2 of 2

CONFIDENTIAL

TRADEMARK

DOMI000059

5001.59

RECORDED: 01/27/2018

REEL: 006263 FRAME: 0503

EXHIBIT 5

SCHWARTZER & MCPHERSON LAW FIRM

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

Lenard E. Schwartzer†
Jeanette E. McPherson†
Jason A. Imes*†

2850 SOUTH JONES BOULEVARD, SUITE 1
LAS VEGAS, NEVADA 89146-5640
TELEPHONE: (702) 228-7590 FACSIMILE: (702) 892-0122
WEBSITE: WWW.S-MLAW.COM

*Also admitted in California

† Board Certified

Business Bankruptcy Law

American Board of Certification

June 2, 2021

Via e-mail: Ryan@vegaslawfirm.legal

Ryan A. Andersen, Esq.
Andersen Law Firm, Ltd.
3199 E. Warm Springs Road, Suite 400
Las Vegas, Nevada 89120

Re: In re Domi Publications LLC (Case No. 20-10250-BTB)
*Client Request for Immediate Turnover of Entire File, Communications, Work
Product, Memorandum and Documents/Information of Any Kind*

Dear Ryan,

As you are aware, our firm is general counsel for Lenard E. Schwartzer in his capacity as Chapter 7 Trustee (the “Trustee”) for the bankruptcy estate of Domi Publications LLC. This letter follows the turnover request from the Trustee’s Special Litigation Counsel (Sanford, Heisler, Sharp LLP) dated April 21, 2021, to Clyde DeWitt, Esq. (“DeWitt”), and to Mr. DeWitt’s law firm, the Law Offices of Clyde DeWitt, a Nevada Professional Corporation d/b/a Law Offices of Clyde DeWitt, APC (the “DeWitt Firm”).

This letter constitutes the Trustee’s second demand to Mr. DeWitt and the DeWitt Firm for turnover of a full copy of their attorney files that may exist in any matters involving or related to debtor Domi Publications LLC (“Domi”), and preservation of related materials.

As a preliminary matter, in your letter dated April 28, 2021, you express concern about Special Litigation Counsel’s admission to practice. I am admitted to the bar in both the State of Nevada and the State of California, and trust this resolves your concern on that issue.

As you are aware, a trustee is the representative of a debtor’s bankruptcy estate (11 U.S.C. § 363), and as such must thoroughly investigate a debtor’s financial affairs, including all actual and potential claims held by or asserted against a debtor. (11 U.S.C. §§ 541, 704.) Moreover, the trustee controls the debtor’s attorney-client privilege, even with respect to its communications with counsel. *See Commodity Futures Trading Commission v. Weintraub*, 471 U.S. 343, 358 (1985) (“the trustee of a corporation in bankruptcy has the power to waive the corporation’s attorney-client privilege with respect to pre-bankruptcy communications.”)

The claim in your April 28, 2021 letter that Mr. DeWitt and the DeWitt Firm did not represent Domi is belied by several documented facts. Mr. DeWitt represented on the record he was in-house counsel for Domi (*see* attached Exhibit 1). He is listed as Domi’s resident agent with the Nevada Secretary of State (*see* Exhibit 2), and Domi’s schedules indicate your clients

R. Andersen, Esq.

June 2, 2021

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were paid \$7,081.69 for services shortly before the Petition Date and your clients are listed as a creditor of Domi for unpaid legal fees (*see* Exhibit 3). Mr. DeWitt and the DeWitt Firm were also identified as Domi's attorney of record before the U.S. Patent & Trademark Office as February 26, 2018. (*See* Exhibit 4.)

The fact alleged in your letter dated April 28, 2021 that Domi never signed an engagement agreement with Mr. DeWitt or the DeWitt Firm is irrelevant. While this would be a practice management decision on the part of your clients, it does not preclude the Trustee from recovering Domi's legal files.

Furthermore, your letter dated April 28, 2021 admits that your client has relevant files but that such files "belong solely to Doug Wiederhold." To resolve this objection, I am also attaching instructions from Mr. Wiederhold directing Mr. DeWitt to immediately turn over all documents and records relating to Domi, whether in the context of representing Domi or in the context of representing Mr. Wiederhold. Mr. Wiederhold's signed instructions are attached as Exhibit 5.

Finally, to the extent you cite 11 U.S.C. § 542(e) to assert that turnover is not required absent notice and hearing, this letter is sent to resolve this dispute and save both sides the expense of such litigation. Failure to turn over property of the bankruptcy estate may also constitute a violation of the automatic stay under 11 U.S.C. § 362. If your client willfully refuses to turn over estate property after repeated notice, and requires the estate to incur the expense of a motion for turnover to collect estate property, then the Trustee may seek sanctions as well.

A. Demand for Turnover of all Files, Information, Books and Records

The Trustee again demands, pursuant to 11 U.S.C. § 542, that Mr. DeWitt and the DeWitt Firm turn over to the Trustee a copy of all documents, records, and information related to Domi, including, without limitation, all letters, email, correspondence, text messages, voicemails, WebEx or similar internet meeting recordings, memoranda (both internal and external), attorneys' notes, pleadings, declarations, exhibits, depositions transcripts and exhibits, physical evidence, experts' reports, any other electronically stored information, and any other items related to Domi, whenever they were created and without limitation.

B. Demand for Preservation of All Documents, Information, and Potential Evidence

The Trustee also demands that Mr. DeWitt and the DeWitt Firm, inclusive of their employees and agents, preserve all documents and other information relating to Domi, inclusive of all documents showing all communications concerning same, including, without limitation, Mr. DeWitt and/or the DeWitt Firm's communications with anyone associated with Domi, inclusive of any of its insiders, officers, directors, managers, owners, creditors, unions, vendors, agents or employees (collectively, and without limitation, a "Third-Party"), including also any and all documents concerning any and all claims held by Mr. DeWitt and/or the DeWitt Firm arising from or relating to its representation of Domi.

R. Andersen, Esq.

June 2, 2021

Page 3 of 3

If they have not already done so, the Trustee hereby requests that your clients take prompt and sufficient action to: (i) secure any and all Documents (as defined below), computers, tablets, and any other devices that Mr. Dewitt has used personally, and/or that Mr. DeWitt or the DeWitt Firm have used to store, receive, send or generate any Documents relating to their representation of Domi and/or any Third-Party, and (ii) not delete or otherwise spoliage any Documents concerning the representation, the Debtor and/or Third-Party.

For purposes of this letter, the term “Documents” shall have the broadest meaning permitted under applicable law, and shall include all tangible sources of information, including but not limited to: (a) the original and any non-identical copy (whether different from the original because of handwritten notes or underlining made thereon, attachments affixed thereto, or otherwise) or drafts thereof, of any handwritten, typewritten, printed, recorded or graphic matter, however produced or reproduced, including but not limited to memoranda, charts, notes, spreadsheets, plans, drawings, art work, transparencies, sketches, blueprints, files, electronically stored information, electronic mail, letters, email, correspondence, texts messages, voicemails, WebEx or similar internet meeting recordings, memoranda (both internal and external), attorneys’ notes, pleadings, declarations, exhibits, deposition transcripts and exhibits, physical evidence, expert's reports, any other electronically stored information, and any other items related to the representation of Domi, whenever they were created, without limitation.

Please provide the requested documents and information listed above to my attention no later than **fourteen (14) calendar days from the date of this letter**. We expect the files will be organized and provided in the same manner that they have been maintained in your clients’ office. Your assistance with this matter is greatly appreciated.

Sincerely,

/s/ Jason A. Imes

Jason A. Imes, Esq.

JAI:jd

cc: Lenard Schwartz, Chapter 7 Trustee

EXHIBIT 6

AUTHORIZATION FOR RELEASE OF RECORDS

I, Douglas Wiederhold, hereby authorize and instruct my former counsel, Clyde DeWitt and The Law Offices of Clyde DeWitt, a Nevada Professional Corporation ("his Firm"), to release records as follows:

1. All documents and records in the possession, custody, or control of Mr. DeWitt and/or his Firm related to DOMI Publications, LLC in any way, regardless of whether Mr. DeWitt and/or his Firm were acting as counsel for me as an individual or as counsel for Domi Publications, LLC as an entity.
2. All documents and records identified in Item 1 shall be released electronically to Sanford Heisler Sharp, LLP, at gdp@sanfordheisler.com, as special counsel for Chapter 7 Trustee Lenard Schwartzer, no later than June 1, 2021.

Date: May 21, 2021

Name: douglas wiederhold

Signature: *douglas wiederhold*






(2021-05-21) Wiederhold Release of Records Req to DeWitt

Final Audit Report

2021-05-21

Created:	2021-05-21
By:	Fernando Salazar (fsalazar@sanfordheisler.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAC13V7AXmZoaUmf2Hnv54Nc55cOeoVGQI

"(2021-05-21) Wiederhold Release of Records Req to DeWitt" History

-  Document created by Fernando Salazar (fsalazar@sanfordheisler.com)
2021-05-21 - 7:16:25 PM GMT- IP address: 38.32.52.67
-  Document emailed to douglas wiederhold (dw71283@gmail.com) for signature
2021-05-21 - 7:16:52 PM GMT
-  Email viewed by douglas wiederhold (dw71283@gmail.com)
2021-05-21 - 9:32:49 PM GMT- IP address: 174.230.8.102
-  Document e-signed by douglas wiederhold (dw71283@gmail.com)
Signature Date: 2021-05-21 - 9:34:17 PM GMT - Time Source: server- IP address: 174.230.8.102
-  Agreement completed.
2021-05-21 - 9:34:17 PM GMT